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BORDEN et al. v. RIGBY et al.

Jan: 22, 1920.

[101 S. E. 875.]

1. **Wills (§ 567*)—Will Construed to Give Testator's Son and Partner Only One-Half of the Whole Partnership Property.**—Where the partnership agreement between a father and son, though making the son an equal partner, provided that on the father's death the firm assets should be divided one-half to the son and one-half to his mother and sisters, the father's will giving him one-half of all the property "in my own name and the name of" the partnership, and the other half to his sisters, gave him only one-half of the firm property, and not one-half thereof in addition to his share as partner.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 789.]

2. **Partnership (§ 76*)—Deed to Partners as Such Is Prima Facie Evidence That They Are Equal Partners.**—A deed conveying land to a father and son as partners under the name of R. & Son was prima facie evidence that they were equal partners.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 837.]

3. **Evidence (§ 441 (8)*)—Parol Evidence of Partnership Agreement Admissible, Though Deed Conveys Land to the Partners as Such.**—Though land was conveyed to a father and son as partners, parol proof was competent that by the partnership agreement the son's equal interest was subject to the qualification that on the father's death he was to have one-half of the assets and his mother and sisters the other half.

Burks, J., dissenting.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 684.]

Appeal from Circuit Court, Montgomery County.

Suit between Belle R. Borden and others and James Rigby, Jr., and others. From a decree in favor of Rigby, the adverse parties appeal. Reversed and remanded.

Irvine & Stuart, of Big Stone Gap, for appellants.

J. C. Noel, of Pennington Gap, for appellees.

VIRGINIA RY. & POWER CO. v. N. H. SLACK GROCERY CO., Inc.

Jan. 22, 1920.

[101 S. E. 878.]

1. **Trial (§ 343*)—Verdict Determines All Disputed Questions of Fact.**—Verdict for plaintiff determines in his favor all disputed questions of fact.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 619.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.